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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,061	03/02/2004	Scott D'Avanzo	087635.000017	4209

29747 7590 10/16/2007
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EXAMINER

THOMAS, ERIC M

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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10/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/792,061	D'AVANZO, SCOTT	
	Examiner	Art Unit	
	Eric M. Thomas	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to the amendments filed on 8/15/07, claims 1 and 26 have been amended, claims 7 – 25 and 31 – 48 have been cancelled, claims 1 – 6 and 26 – 30 are pending in the current application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/15/07 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 6 and 26 - 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. (US 6,609,972).

Regarding claims 1 and 26 Seelig teaches a gaming machine (and method having steps thereto) which consists of a mechanical component (i.e., the combination

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of indicator 44 attaching to worm gear 52, Fig. 2, col. 4, lines 5 - 12), wherein the mechanical component having a dynamic member (indicator 44) for facilitating the indication of a display device (e.g., 46, 48), and wherein upon activation of the mechanical component of the said dynamic member (indicator 44) causes the display device to be identified (e.g., pointing to or identifying the displays 46 and 48), said display device (46, 48) displaying a randomly generated gaming machine symbol related to a gaming machine award (Fig. 1, col. 3, lines 55 – col. 4, line 18). Note that, the final prize result of Seelig is concealed prior to the activation of the mechanical component and being revealed after the activation of the mechanical component (col. 4, lines 19, col. 5 line 8). Seelig does not explicitly teach the mechanical component concealing the display device, and the dynamic member causing the display device to be revealed upon the activation of the mechanical component. This feature, however, is an obvious design choice since mechanically concealing the display (having a symbol related to an award) (as claimed by the applicant) compared to displaying a concealed symbol (related to an award) electrically or graphically (as taught by Seelig et al.) would bring similar results to the operation of the game, i.e., both Seelig et al.'s and applicant's approaches are to conceal and reveal the symbol related to the award in respond to the bonus game activation. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Seelig by providing an alternative method of mechanically concealing and revealing the symbol related to a gaming machine award to enhance the reality of the game, thus attract more players and increase game revenue.

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Regarding claims 2, 3, 27, and 28, Seelig teaches the mechanical component (i.e., the combination of indicator 44 attaching to worm gear 52, Fig. 2, col. 4, lines 5 - 12) comprises one or more hands (e.g., hands of the alien pilot) extending from the said gaming machine and dynamic member comprises one or more arms joined to the said hands (col. 4, lines 1 - 4).

Regarding claims 4 and 29, Seelig teaches a player is awarded the opportunity to select one or more of the hands to reveal the symbol related to a gaming machine award, which means the player is given the opportunity to select either the left bonus prize or the right bonus prize (col. 4, lines 19 - 31).

Regarding claims 5 and 30, wherein upon selection of one or more of the arms, the corresponding hand opens to reveal the display device, this limitation is obvious in view of Seelig's teaching of the bonus display (12) displaying the bonus prize won by the player upon selection of the right or left bonus prize (col. 4, lines 32 - 35). Further, regarding the hand opens to reveal the display device, this feature is regarded as obvious design choice as set forth above regarding claims 1 and 16 because using the hand to conceal the display (having a symbol related to an award) (as claimed by the applicant) compared to pointing to the display having a graphically concealed symbol (related to an award) (as taught by Seelig) would bring similar results to the operation of the game, meaning both Seelig and applicant's approaches are to conceal and reveal the symbol related to the award in respond to the bonus game activation. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the prize display the mechanical indicator of Seelig by mechanically

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concealing and revealing the symbol related to a gaming machine award to enhance the reality of the bonus indicator, thus make the game more interesting to the players and increase game plays.

Regarding claim 6, wherein the one or more hands support a watch having a display, this is a design choice since placing a watch on one or more hands as claimed does not bring unexpected results to the outcome of game. Note that, the watch as claimed is considered as a decorative device since it does not bear any function of the game.

Response to Arguments

Applicant's arguments filed 8/15/07 have been fully considered but they are not persuasive. Applicant alleges that Seelig "fails to teach or suggest a method of mechanically concealing and revealing the bonus symbol as claimed in the present invention." The examiner respectfully disagrees. However, as discussed above, Seelig provides a gaming device having a gaming apparatus and a bonus display in which the display is an indicator that is linearly movable by a drive mechanism. The advantage of Seelig's gaming machine is that the award bonus is graphically concealed which provides an attractive and entertaining device for the participants. This approach is similar to that of the claimed invention in being that they both have the same objective, which is to conceal and reveal the prize awarded to the user of the gaming machine by using a mechanical indicator. Thus, the examiner maintains Seelig renders the claimed invention obvious.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER